

REMARKS

With this Amendment, Applicants add new Claims 15-21, and amend Claims 2 and 9. No new matter is added. Therefore, Claims 1-21 are all the claims currently pending in the present application.

Formal Matters

The Examiner has acknowledged Applicants' claim for foreign priority and the receipt of the certified copy of the priority document.

Applicants respectfully request that the Examiner consider the references listed in the IDS, filed July 8, 2004, and return a signed and initialed copy of the PTO-Form 1449, filed with the July 8 IDS, with the next communication.

Claim Objections. Claims 2 and 9 stand objected to due to informalities. Applicants amend Claims 2 and 9 in order to remove the typographical errors therein. Applicants respectfully submit that these amendments are not intended to narrow the scope of the original claims, but are rather to correct typographical errors and to explicitly recite within the claims what was believed to have already been implicitly defined therein. Accordingly, these amendments do not foreclose application of reasonable equivalents.

In view of these corrections, Applicants respectfully request that the objections to Claims 2 and 9 be reconsidered and withdrawn.

Prior Art Rejections. Claims 1-14 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Ogasawara, U.S. Patent No. 6,577,861 (“Ogasawara”). Applicants respectfully traverse this rejection as discussed below.

Claims 1-14 over Ogasawara

Regarding the Examiner’s §102(e) rejection of Claims 1-14 over Ogasawara, Applicants respectfully submit that Ogasawara fails to disclose or suggest all of the limitations of the present invention as recited in the claims.

Claims 1, 6, and 8. Regarding Claims 1, 6, and 8, Ogasawara fails to disclose or suggest at least a prepaid card, as claimed, in which a payable amount of money is registered beforehand. Ogasawara discloses an I/C card reader/writer, which can facilitate payment of purchased products. (Col. 12, Ins. 61-61). However, there is no disclosure or suggestion in Ogasawara of a prepaid card, in which a payable amount of money is registered beforehand.

Claims 2, 6, 9, and 13. Regarding Claims 2, 6, 9, and 13, Ogasawara fails to disclose or suggest at least transmitting merchandise information to a mobile telephone in response to a request from the mobile telephone, as claimed. Ogasawara is directed to a system, whereby, after a personal shopping system application is downloaded to a wireless phone, a user can utilize a bar code scanner to read the bar code of selected merchandise from merchandise in a store or from a catalog, transmit the scanned information from the wireless phone to a server, and thereby purchase the merchandise. (Abstract). According to the disclosure of Ogasawara, the information transmitted to the wireless phone, therefore, is a program which, when downloaded to the

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wireless phone, enables the user of the phone to use the wireless phone and an attached bar code scanner to scan selected merchandise, and transmit an order for the selected merchandise to a server. However, any information regarding the merchandise is provided to the user either through a catalog, or by the user being able to directly view the merchandise in a store. Ogasawara fails to disclose or suggest merchandise information being transmitted to a mobile phone in response to a request from a mobile phone, as claimed.

Claims 4, 6, 11, and 13. Regarding Claims 4, 6, 11, and 13, Ogasawara fails to disclose or suggest at least a server instructing the delivery of ordered merchandise to a previously-registered address corresponding to the mobile phone, as claimed. Applicants submit that the only discussion of delivery in Ogasawara is found in the Background section, col. 1, lns. 41-47, as referred to by the Examiner. However, this discussion of delivery is in relation to conventional internet ordering systems, by which a user can order a diverse range of products from a home computer over an internet web page and have the products subsequently delivered to the user. However, Ogasawara fails to disclose or suggest any delivery method in association with the described invention, utilizing a wireless phone. Further, given the disclosure of Ogasawara, there is no motivation to combine the internet delivery system, as described in the background section with the wireless phone ordering system of the invention because there is no disclosure or suggestion of any ability to access the internet through the wireless phone.

Claims 2-5, 7, 9-12, and 14. Applicants submit that, in addition to the specific reasons presented above, Claims 2-5, 7, 9-12, and 14 are patentable at least by virtue of their dependence on claims 1, 6, 8, and 13.

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Therefore, in view of at least the above arguments, Applicants submit that Ogasawara fails to anticipate Claims 1-14 and respectfully request that the rejection of these claims be reconsidered and withdrawn.

New Claims 15-21

Applicants have added new Claims 15-21 in order more fully to cover various aspects of Applicants' invention as disclosed in the specification.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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